

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEWAYNE PARKER,
Petitioner,
v.

NAPA SUPERIOR COURT, et al.,
Respondents.

Case No. [25-cv-03041-TLT](#)

ORDER OF TRANSFER

Petitioner filed a petition in the Eastern District of California that purported to challenge a Napa County conviction pursuant to 28 U.S.C. § 2254. The case was accordingly transferred to this district. This Court dismissed the petition with leave to amend, directing petitioner to explain whether he is a pretrial detainee or is incarcerated pursuant to a state court conviction. Petitioner has filed an amended petition pursuant to 28 U.S.C. § 2241 indicating that he is a pretrial detainee.

A § 2241 petition must generally be filed in the district court where the petitioner is incarcerated, and the proper respondent is the person “who has custody” over the applicant. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004); *Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024). Petitioner is in custody in Kern County, which is located in the Eastern District of California.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is transferred back to the United States District Court for the Eastern District of California. The Clerk of the Court shall terminate all motions and transfer the case forthwith.

IT IS SO ORDERED.

Dated: May 22, 2025


TRINA L. THOMPSON
United States District Judge